

The City Council met in regular session at the hour of 8:36 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Tom Boyajian	Council President

Dan Hobbs, City Manager
Andy Souza, Assistant City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Pastor Matt Cook, Campus Baptist Church, gave the invocation, and Penny Raven led the Pledge of Allegiance to the Flag.

PROCLAMATION OF CALIFORNIA STATE UNIVERSITY FRESNO BAND DAY - PRESIDENT BOYAJIAN

PRESENTATION OF RECOGNITION AWARDS TO STUDENTS FROM DISTRICT 4 - ACTING PRESIDENT CASTILLO

PROCLAMATION OF CANDLELIGHT CHRISTMAS ON HUNTINGTON BOULEVARD DAYS - COUNCILMEMBER DAGES

INTRODUCTION OF FRESNO HEATWAVE BASKETBALL TEAM - COUNCILMEMBER STERLING

The above proclamations, introductions and presentations were read, made and presented.

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APPROVE MINUTES:

On motion of Acting President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of November 18, 2003, approved as submitted.

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COUNCIL MEMBER REPORTS AND COMMENTS:

NOVEMBER 18, 2003, CLOSED SESSION ANNOUNCEMENT

City Attorney Montoy announced in HowardJarvis Taxpayers Association v. City of Fresno, the Council authorized the filing of an appeal by a 5-2 vote with Councilmembers Dages and Perea dissenting.

COMMENDATION TO FRESNO HIGH HISTORIC ASSOCIATION FOR ANNUAL HOME TOUR

President Boyajian commended the Association on the successful event and also the homeowners who allowed their homes to be toured.

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APPROVE AGENDA:

(1-A) RESOLUTION - 51ST AMENDMENT TO AAR 2003-209 APPROPRIATING \$113,700 TO THE POLICE DEPARTMENT FOR THE SCHOOL RESOURCE OFFICERS CONTRACTS WITH THE FRESNO AND CENTRAL UNIFIED SCHOOL DISTRICTS

142-190

12/2/03

City Clerk Klisch corrected the title by adding: "*Authorize the Chief of Police to enter into separate contracts with the Fresno*"

Unified School District, Central Unified School District, and the Fresno County Office of Education”. So noted and added.

(2:00 P.M. #2) CLOSED SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - CASE NAME: CITY OF FRESNO V. STATE OF CALIFORNIA

Laid over one week.

(3-C) DISCUSSION AND ACTION REGARDING A PLAN BY PG&E TO IMPLEMENT A 33% RATE INCREASE ON GAS - COUNCILMEMBERS CALHOUN AND DAGES

1. RESOLUTION - PROCLAIMING CONCERN ABOUT THE DETRIMENTAL IMPACTS TO THE CITIZENS OF FRESNO THAT COULD RESULT FROM A SEVERE INCREASE IN RESIDENTIAL GAS PRICES IF CHARGED AND IMPLEMENTED BY PG&E

Acting President Castillo made a motion to table the issue six months stating it was not appropriate to ask PG&E to absorb costs they had no control over.

On motion of Acting President Castillo, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Item 3-C tabled six months, by the following vote:

Ayes : Castillo, Duncan, Perea, Sterling, Boyajian
Noes : Calhoun, Dages
Absent : None

Councilmember Calhoun stated he would make some comments under “*Public Comment/Unscheduled Communication*” at the end of the meeting.

On motion of Acting President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes : Calhoun, Castillo, Duncan, Perea, Sterling, Boyajian
Noes : Dages
Absent : None

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ADOPT CONSENT CALENDAR:

Jay Johnson, CEO, Central California Electronics, 139 E. Belmont, spoke in opposition to **Item 1-D** and to staff’s finding and recommendation to waive a minor irregularity, and requested the item be pulled for discussion. Councilmember Dages later pulled the item from the consent calendar and the matter was heard at 2:00 p.m.

(2 - 0) Barbara Hunt, 2475 S. Walnut, spoke in support of **Items 1-A, 1-B** and **1-C**, questioned if there was an open bid on **Item 1-D**, spoke in opposition to **Item 1-E**, and requested staff make sure the proper paperwork was in order for **Item 1-F**.

Todd Byer, Metro Video Systems, 1220 E. Imperial, El Segundo, rebutted Mr. Johnson’s above comments on **Item 1-D** and spoke to his company’s experience and qualifications and in support of staff’s recommendation.

(1-A) AUTHORIZE THE POLICE CHIEF TO ENTER INTO 3 CONTRACTS WITH THE CENTRAL AND FRESNO UNIFIED SCHOOL DISTRICTS AND THE COUNTY OFFICE OF EDUCATION TO PROVIDE SCHOOL RESOURCE OFFICERS TO EACH ENTITY
1. RESOLUTION NO. 2003-368 - 51ST AMENDMENT TO AAR 2003-209 APPROPRIATING \$113,700 TO THE POLICE DEPARTMENT FOR THE RESOURCE OFFICER CONTRACTS WITH THE FRESNO AND CENTRAL UNIFIED SCHOOL DISTRICTS

Councilmember Calhoun commended the police department for moving toward asking the school districts to pay one-half the cost of the officers, and advised he would be encouraging the Mayor and the police department in the next budget to have the schools pay a larger share of the cost or for the City to subsidize less and less over future years.

(1-B) RESOLUTION NO. 2003-369 - 49TH AMENDMENT TO AAR 2003-209 APPROPRIATING \$70,900 INTO THE POLICE DEPARTMENT'S FY 2004 BUDGET; AND AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO A THREE YEAR AGREEMENT (CONTINGENT UPON GRANT FUNDS BEING AVAILABLE) WITH THE FRESNO UNIFIED SCHOOL DISTRICT FOR A SCHOOL COMMUNITY POLICING OFFICER AT TEHIPITE MIDDLE SCHOOL

(1-C) RESOLUTION NO. 2003-370 - FINDING HUBB SYSTEMS, LLC (aka DATA911) TO BE THE SOLE SOURCE FOR MOBILE DATA SYSTEM (MDS) HARDWARE UPGRADE

1. RESOLUTION NO. 2003-371 - APPROVING THE 8TH AMENDMENT TO THE CONTRACT FOR UPGRADE OF ORIGINAL MDS HARDWARE, UPGRADE OF SOFTWARE "PER SEAT" LICENSING STATUS TO "SITE LICENSE" STATUS, EXTENSION OF SOFTWARE DEVELOPMENT SCHEDULE, AND INTERIM MDS HARDWARE MAINTENANCE

3. APPROVE AND AUTHORIZE THE CHIEF OF POLICE TO EXECUTE THE SOFTWARE ENHANCEMENT SERVICES AND MDS HARDWARE EXTENDED WARRANTY AGREEMENT

(1-E) AWARD A CONTRACT TO ELECTRICAL EQUIPMENT SALES CO., INC. OF LAFAYETTE, CA, IN THE AMOUNT OF \$214,638.89 FOR VARIABLE FREQUENCY DRIVES FOR RAW SEWAGE PUMPS

On motion of Acting President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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(3-A) REQUEST FOR STATUS REPORT ON THE BUSINESS PLAN FOR A LONG-TERM FEASIBILITY STUDY OF THE CHAFFEE ZOO - COUNCILMEMBER DAGES

Councilmember Dages stated a letter from the director of the Zoo Society (ZS) Board of Directors dated 10/15/03, stating the long-term feasibility study had not been completed and that they had not received anything sparked his interest; advised the city manager indicated yesterday information had been sent to representatives of the committee that staff has been working with; and stated he was also frustrated with the issue but acknowledged it looked like the item was getting resolved and questioned when the final report would be submitted. City Manager Hobbs stated the report would be out in the next week or two, advised there had been drafts of the report but staff was not satisfied with them, and recommended a workshop be held in January and encouraged Council to appoint their zoo committee representatives before the end of the year so they could attend the workshop. Assistant City Manager Souza responded to additional questions relative to the cost for the study and funding source. Councilmember Dages stated the ZS was under the impression the city's portion of the funds for the study were not going to come from the zoo's budget and they were not expecting that hit and requested staff explain the issue to them.

Barbara Hunt, 2475 S. Walnut, spoke to the zoo's operation, problems, and to the need to eliminate the park entrance fee.

Parks and Recreation Director Smejkal and Councilmember Dages responded to questions and comments of Councilmember Sterling relative to plans for recruitment/hiring of a new director, if staff was waiting for the report to come out before recruiting, who the consultant was, the consultant's fact-finding process and if they were getting a fair assessment, the ZS's concerns relative to funding source for the study, who initiated the study, length of time taken to complete the study, concern with the ZS's claim that they had not been involved in the study process, and if Councilmember Dages was going to be involved. Councilmember Sterling stated there were lots of issues involved and emphasized she wanted to be kept in the loop, and spoke to her life experience with the zoo and to the zoo being a treasure for the community

Acting President Castillo requested staff schedule receipt of the report on January 6th so further direction could be given. Mr. Hobbs reiterated Council would receive the report before then, relative to the report and staff's review advised the consultant had done an excellent job of capturing the zoo's history and describing its problems but noted the potential solutions did not have enough "meat" in them, and upon question advised what problems had been indicated. Acting President Castillo stated the zoo's problems have been known for years and upon Mr. Hobbs' recommendation revised his request to staff to schedule an action item along with the workshop that will be scheduled in January.

Mr. Souza and Mr. Hobbs clarified issues and responded to comments/questions/concerns of President Boyajian relative to why a consultant was hired when staff had already reported what was wrong, why staff was revising the consultant's report, Director Waterhouse and the ZS's clear report and direction and the consultant report not indicating anything new, options/solutions that need to be presented, if the ZS Board of Directors were involved in the hiring of Dr. Waterhouse, concern with the ZS being shut out of the process, and the tax that was proposed as a solution and who initiated that option.

Councilmember Duncan complimented and acknowledged staff for all their time put into the study, spoke briefly to the importance of the study and need for a fresh view of the zoo's problems, and encouraged Council to appoint their representative to the zoo committee. Councilmember Sterling reiterated and emphasized she wanted to be involved, spoke to the hard economic times and how recreational things were the first to take cuts, stated she also did not feel a consultant needed to be brought in to indicate what the problems are, spoke to the need to obtain input from all groups, i.e., Rotarians, and stated raising fees needed to be thought about carefully citing the low income and homeless people who use the park the most and explained. There was no further discussion.

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(10:00 A.M.) HEARING ON CITY OF FRESNO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 58 - FINAL TRACT MAP NO. 5170

- 1. RESOLUTION NO. 2003-371 - ANNEXING TERRITORY TO CFD NO. 2, ANNEXATION NO. 58 AND AUTHORIZING THE LEVY OF A SPECIAL TAX**
- 2. RESOLUTION NO. 2003-372 - CALLING A SPECIAL MAILED-BALLOT ELECTION**
- 3. RESOLUTION NO. 2003-373 - DECLARING ELECTION RESULTS**
- 4. BILL NO. B-99 - ORDINANCE NO. 2003-99 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2003-2004 AND FUTURE TAX YEARS**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Assistant Public Works Director Kirk gave a brief overview of the issue as contained in the staff report as submitted and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke to the need to investigate the fees that are collected and questioned where the fees went and if property owners were aware of how the program worked.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

Mr. Kirn responded to questions of Councilmember Dages relative to whether \$73 was the average annual fee, if there was a provision included for annual increases, and if Armstrong Avenue was going to connect into Fowler Avenue. Councilmember Dages spoke to the traffic flow problems and complaints he has received from area residents and requested staff request the developer look into connecting Armstrong to Fowler Avenue. A motion and second was made to approve staff's recommendation. Mr. Kirn and City Attorney Montoy responded to questions of Acting President Castillo relative to existing development and landscaping maintenance responsibility, and how maintenance can be enforced on private property, with Acting President Castillo expressing his concern with problem lots in his district.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution Nos. 2003-371, 2003-372 and 2003-373 hereby adopted, and the above entitled Bill No. B-99 adopted as Ordinance No. 2003-99, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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(10:10 A.M.) HEARING TO CONSIDER THE VACATION OF "N" STREET AND THE "N-O" ALLEY BETWEEN VENTURA AND FREEWAY 41, SANTA CLARA STREET BETWEEN "N" AND "O" STREETS, A 20-FOOT WIDE ALLEY ALONG FREEWAY 41 BETWEEN THE "M-N" ALLEY AND THE "N-O" ALLEY, A PORTION OF THE "M-N" ALLEY BETWEEN SANTA CLARA STREET AND FREEWAY 41, AND A SEWER AND WATER EASEMENT IN LOT 6/BLOCK 122 OF THE TOWN OF FRESNO

- 1. RESOLUTION NO. 2003-374 - ORDERING THE VACATION OF THE ABOVE**

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

**Note: the following was not tape recorded:* Assistant Public Works Director Kirn reviewed the issue as contained in the staff report as submitted and noted a condition of the recordation of the vacation was for “N” Street property owners to enter into Reciprocal Agreements which would provide cross access easements for vehicular/pedestrian access and solid waste collection.

Speaking in opposition to the vacation and/or to the need for “N” Street access were: Steven McShea, 21022 Auberry Rd., Clovis, representing N Street Property, LLC; Craig Slinger, 22113 Oak Glen Lane, Friant, a tenant of 525 “N” Street, **Note: recording resumes here with Mr. Slinger’s ending comments (3 - 0)*; Attorney Steve Hansen, 6700 N. First Street, #138; George Bursik, 461 “N” Street; and Barbara Hunt, 2475 S. Walnut.

Upon call, no one else wished to be heard and President Boyajian closed the public hearing.

Upon question of Councilmember Duncan, Redevelopment Administrator Murphey confirmed the vacation would not eliminate access to the property owners’ properties and explained, added even in the absence of cross access agreements State law prevailed and the property owners would continue to have private access to their parcels along N Street, and upon further question stated the vacation of Santa Clara was necessary for the courthouse and the Armenian Town projects and was also a requirement of Caltrans. Councilmember Duncan clarified access would not be denied, the traffic flow inconvenience would be minor, and to address access concerns stated he would make that part of a motion and made a motion to adopt the resolution and direct staff to execute Reciprocal Cross Access Agreements with each adjacent property owner on “N” Street, which motion was seconded and later acted upon.

Lengthy discussion ensued with Mr. Kirn, City Attorney Montoy and one of the speakers responding to questions and/or comments of Councilmembers Dages, Castillo, Sterling and President Boyajian relative to whether there was a way to designate certain parking spaces for the businesses, comments by a speaker and if this proposed action was legal, what the business was that required access for a semi-trailer, if the alley between M & N Streets would be vacated, main reason for vacation of N Street and if security/safety of the courthouse was at issue, if pedestrians would have access, if staff had concerns with the semi-truck’s needs, confusion with the design of the street and the proposed plaza area, if “no parking” signs would be feasible, if there were other businesses on N Street and if they would also have access, plans for vacant parcels on N Street, need for business owners to be involved in the project’s design and need for the City to be sensitive and support the business who have stayed in that area, if the businesses/buildings in the area would be part of the Armenian Town project, if the N Street alley would remain open, clarification on the buffer/mall area for the courthouse, Santa Clara remaining open west of N Street, and if the Bursik’s were in agreement at this point.

Ms. Montoy noted testimony has centered around the Armenian Town project and why the vacation was needed for that project and upon her request Mr. Kirn again summarized why N Street was not necessary for present or prospective public use. Brief discussion continued with Ms. Montoy, FRC Director Morgan and Ms. Murphey clarifying issues and/or responding to questions of Acting President Castillo and President Boyajian relative to why a street was being vacated when speakers’ comments were clear that they needed access, findings to be made to approve the vacation, if the N Street tenants understood the condition and agreement, and if the vacation of N Street for a buffer zone for the safety of the courthouse was a condition of the project and a necessity for the project to proceed.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2003-374 hereby adopted, and, BE IT FURTHER RESOLVED, the Public Works Director directed and authorized to enter into and execute a Reciprocal Cross Access Agreement, in the form approved by the City Attorney, with each of the adjacent “N” Street property owners prior to recording the vacation resolution, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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(10:15 A.M.) PRESENTATION BY ADRIAN MOORE, REASON PUBLIC POLICY INSTITUTE, REGARDING “CLEANING THE AIR IN THE SAN JOAQUIN VALLEY” - COUNCILMEMBER DUNCAN

Councilmember Duncan gave a brief overview of the issue and spoke highly in support of Dr. Adrian Moore and the Reason Institute and introduced Dr. Moore. Dr. Moore submitted written material to Council, a copy of which is on file in the office of the city clerk, advised of a research project that was undertaken on air quality in the San Joaquin Valley, and gave a Power Point presentation on the valley’s air

quality (**4 - 0**), advised of recommendations/ideas on how to address the problem, and concluded stating the bad air quality was a short-term problem that was getting better and the main issues to focus on were vehicles and fireplaces.

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Councilmembers Duncan, Calhoun and Castillo commended Dr. Moore on the presentation and for his ideas to address the issue, commented on the challenging air quality issue and the upcoming staff report on measures taken and being proposed, and suggested Dr. Moore include in his resolution alternative fuels for the auto industry and their continued extensions. President Boyajian thanked Dr. Moore for coming and for his presentation but stated he disagreed with much of what Dr. Moore said, and stated land use and air quality had to be hand in hand and the air quality was not getting better but was getting worse and elaborated. There was no further discussion.

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(10:30 A.M.) PRESENTATION ON THE OCTOBER 24 PROJECT TEAM CLEAN AIR REPORT - COUNCILMEMBER CALHOUN

Councilmember Calhoun stated staff was previously directed to report back to Council with a plan for the city of Fresno on what measures were being taken, and what could be taken, to reduce airborne pollutants by 6% over three years; noted at issue this date was the team's report which would be highlighted for the public's benefit and input; and advised a key point was after further research and analysis by staff their reduction estimate had been revised from 165 tons of reduction benefit to 568 tons over the three year period.

Director of Transportation Lagos and Transit General Manager Rudd gave an overview of the issue, spoke to the working group that was formed, and reviewed the nine measures/projects that were identified that the City could initiate to reduce the level of emissions derived from City operations, all as contained in the staff report as submitted.

Speaking to the issue were: Gloria Torrez, who spoke in opposition, stated emission figures for heavy duty trucks and buses were incorrect, the natural gas fuel station should have been built before purchasing the buses, and spoke to needed FAX improvements and services; Barbara Hunt, 2475 S. Walnut, who spoke to various issues; and Julia Olson-Buchanan, 10746 N. Hampshire, Professor of Management, CSUF Craig School of Business, who spoke in support of teleworking and the clean air initiatives.

Mr. Lagos, Fleet Manager Hunt, Mr. Rudd, Transportation Manager Madewell, General Services Director Nerland and Mr. Lagos responded to questions/comments of Councilmembers Duncan, Calhoun, Perea and President Boyajian relative to the electric vehicle program and if electric hybrids were being looked at to replace fleet, improvement to the bus system being the best and most cost effective solution and what the impact would be and what the plans were for bus service should Measure C be defeated, the traffic signal synchronization project and availability of funds to complete, the energy efficiency program and what the plan was to expand that to other city departments/buildings (with Councilmember Perea requesting he be kept updated on the issue), if the federal dollars for the synchronization project could have gone to a different use, timeline for implementation of the recommendations, support for the alternative work program, and funding and completion of the bike lane master plan. Mr. Lagos recognized and commended Team Clean Air for all their hard work on the report and there was no further discussion.

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LUNCH RECESS - 12:10 P.M. - 2:05 P.M.

(2:00 P.M. #1) CONTESTED CONSENT CALENDAR ITEMS:

(1-D) WAIVE A MINOR IRREGULARITY AND AWARD A CONTRACT TO METRO VIDEO SYSTEMS, INC., OF EL SEGUNDO, CA, FOR THE INSTALLATION OF A CLOSED CIRCUIT TELEVISION (CCTV) SYSTEM TO ENHANCE SECURITY AT FRESNO YOSEMITE INTERNATIONAL AIRPORT

Councilmember Dages stated he had a concern with the process and making exceptions, stated if the bid specifications called for a C-10 license then a C-10 license should be held, and stated if rules and guidelines are set they should be adhered to and to alter the process after the fact was unfair.

Interim Purchasing Manager Smith explained the issue and advised the majority of the project (90%) required a C-7 license and 10% was C-10 and it was very logical for a C-7 to bid the project and use a C-10 as a subcontractor. Upon question of Councilmember Dages, Ms. Smith confirmed the bid specifications did require a C-10, whereupon Councilmember Dages reiterated his concern with the

process and determining minor irregularities after the process, and added the exception also could have made a difference in the bid price of the three lowest bidders because they were so close and possibly with all of the bidders.

Todd Byer, Project Manager, Metro Video, clarified they thought the specifications called for “either/or” a C-7/C-10 and they bid on that format, and stated he was in full agreement with staff in that it was a minor irregularity, and spoke to his company’s qualifications.

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Jay Johnson, CEO Central California Electronics, 139 E. Belmont, stated it was clear in the bid documents that both a C-7 and C-10 license was required, stated this was a matter of process and stated Metro Video was a quality company but there was a great disparity, and advised of his appeal that was mailed timely (October 8th) but was not received by Purchasing until October 20th, and requested Metro Video be disqualified.

City Attorney Montoy and Ms. Smith responded to questions of Councilmember Duncan relative to specifics of the appeal that was mailed, i.e., the postmark date, official time of receipt, the appeal possibly going somewhere else before going to Purchasing, and what staff would have recommended if the appeal had been received on time, whereupon Councilmember Duncan recommended the matter be held over so staff could clarify the date of the appeal and determine if an appeal hearing should take place. Ms. Montoy advised the bid specs specified the appeal had to be received by the Purchasing Department, there was no evidence any other department received the appeal before it got to Purchasing, and advised of the options available to Council. Councilmember Duncan made a motion to reject all bids, which motion was seconded by Councilmember Perea and later voted upon.

Lengthy discussion ensued on all the various issues, concerns and requirements, impact of rejecting the bids, if all bidders would have the opportunity to bid again, recommendation to include clear language in the specs relative to required licenses and percentage of work for each license, the bid specs being clear and there being no misrepresentation by the City, **(6 - 0)** the specs not stating “and/or” and surprise with the motion due to the clarity and savings to the city, and feeling that the wording was not clear and the need for a level playing field. Ms. Smith and Transportation Director Lagos responded to questions throughout.

Councilmember Duncan stated after hearing all the testimony and comments he changed his position and withdrew his motion to reject the bids. Ms. Smith, Mr. Johnson, Mr. Byer and Ms. Montoy responded to questions of President Boyajian relative to the pre-bid conference and if anything was brought up at that time, if this was a financial issue, if having a C-10 license put CCE at an unfair advantage financially in bidding, if Metro Video attended the pre-bid conference and if their impression was “and/or”, and if the city attorney reviewed the issue.

A motion of Councilmember Dages, seconded by Councilmember Perea, to reject all bids failed, by the following vote:

Ayes :	Dages, Perea, Boyajian
Noes :	Calhoun, Castillo, Duncan, Sterling
Absent :	None

On motion of Acting President Castillo, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the fact that Metro Video Systems, Inc., of El Segundo, CA, holds a C-7 contractor’s license directly whereas a C-10 contractor’s license is held through a subcontractor waived as a minor irregularity, and a contract hereby awarded to Metro Video Systems for the base bid in the amount of \$340,017.74 for the installation of a closed circuit television (CCTV) system to enhance security at Fresno Yosemite International Airport, by the following vote:

Ayes :	Calhoun, Castillo, Duncan, Sterling
Noes :	Dages, Perea, Boyajian
Absent :	None

(1-F) AUTHORIZE THE CITY MANAGER OR DESIGNEE TO EXECUTE THE MEMORANDUM OF UNDERSTANDING (MOU) BY AND BETWEEN FRESNO COUNTY, THE CITY OF FRESNO AND THE CITY OF CLOVIS TO PROCEED WITH IMPLEMENTATION OF THE FRESNO REGIONAL E-GOVERNMENT SYSTEM

Councilmember Calhoun spoke in support of the issue and commended staff, spoke to his unsuccessful attempt to appropriate funds last year during budget for an 8-1-1 telephone system to move more towards an E-Government, and noted that was not part of this issue and encouraged staff and the Mayor to explore that issue and consider funding it. Chief Information Officer Hendricks stated staff would look

at that issue and bring it forward to Clovis and Fresno County. Acting President Castillo briefly left the meeting at 2:52 p.m.

A motion and a second was made to approve staff's recommendation. City Manager Hobbs quoted an excerpt from the staff report relative to this being a historic step and how it would significantly improve efficiency, and added this had to be done on a regional basis because all customers did not live within the city's boundaries.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the City Manager authorized to execute the Memorandum of Understanding (MOU) by and between Fresno County, the City of Fresno and the City of Clovis to proceed with implementation of the Fresno Regional E-Government System, by the following vote:

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Ayes : Calhoun, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : Castillo

(10:45 A.M.) AUTHORIZE PROGRAM DOCUMENTS AND CONTRACT WITH PACIFIC GAS AND ELECTRIC AND POWERLIGHT CORPORATION TO CONSTRUCT MUNICIPAL SERVICE CENTER SOLAR ENERGY SYSTEM FOR \$4,725,000, AND TO RECEIVE SELF-GENERATION INCENTIVE FUNDS OF \$2,062,500

1. RESOLUTION NO. 2003-375 - OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES FROM PROCEEDS OF A PROJECT REBATE AND INDEBTEDNESS

2. RESOLUTION NO. 2003-376 - 53RD AMENDMENT TO AAR 2003-209 APPROPRIATING \$9,450,000 TO THE GENERAL SERVICES DEPARTMENT FOR CONSTRUCTION OF THE MUNICIPAL SERVICE CENTER SOLAR ENERGY SYSTEM

General Services Director Nerland advised this was a proposal to implement one of the key initiatives that was highlighted earlier in the Project Team Clean Air Report, and reviewed the issue as contained in the staff report as submitted and stated this project would be one of the largest solar energy projects on the west coast and spoke to its benefits to the City. Acting President Castillo returned at 2:55 p.m.

OK Produce Assistant General Manager Brady Matoian and General Manager Mike Hill shared their solar project experience, and Adam Browning, Director of Operations of a solar advocacy group headquartered in San Francisco, spoke to the potential environmental and financial benefits of the project and to its technology. Barbara Hunt, 2475 S. Walnut, spoke to and expressed concerns with the issue.

Councilmember Perea commended staff for bringing this matter forward, stated this was a change and required a different way of thinking and an open mind, commended OK Produce for their leadership in this capacity, and made a motion to approve staff's recommendation. Acting President Castillo seconded the motion, stated he was one of the skeptics at first but changed his mind after touring OK Produce and seeing the great use of a natural resource, and presented questions relative to whether the City could use this technology to retain businesses in the city and what the City was currently paying for power and what the savings would be adding that information needed to be made loud and clear, with Mr. Nerland responding.

Councilmember Calhoun stated it was obvious this was a fine product and a no-brainer but he had to question the sole source issue relative to whether this was the only provider and why the project did not go out to bid. Mr. Nerland explained the City was able to utilize a contract the General Services Administration had in place to acquire the system, and City Attorney Montoy added this was a "piggyback" situation and was, in fact, a competitive process in accordance with the Charter.

Councilmember Sterling stated she also had the opportunity to tour OK Produce and had met with the delegation before the tour, advised OK Produce had already saved \$80,000 in utility fees and stated to even consider not approving this and moving it forward expeditiously would be an absolute crime, and stated with all the development occurring it would be to everyone's advantage to look at this type of roofing material and explained and offered her assistance in moving forward.

Mr. Nerland and Controller/Finance Director Quintero responded to questions and comments of Councilmember Duncan relative to the electricity the City would not have to buy, what the energy conservation measures were, if staff would be implementing the measures irregardless of the solar system, the project costing the City money if the energy conservation measures costs were removed, **(7 - 0)** concerns with the spreadsheet numbers and quality of those numbers, what other large cities had this system in place, the projected savings not being 100% accurate, and where the funds would come from to make up the difference if the City ended up in a negative cash flow because the projected savings did not exceed the costs, expenses and financing of the system. Councilmember Duncan stated his concern

was with the projected savings stating the energy conservation measures could, for the most part, be done anyway and they constituted the so-called savings, stated he wanted it made clear the City would be saving money with the solar system *and* the energy conservation measures together, and added he was not comfortable enough with the financial assumptions he was seeing to risk millions of dollars of city money on something that was “the largest of its kind”. Mr. Nerland and City Manager Hobbs clarified references were called in because staff had the same legitimate concerns and the feedback was positive, and advised if any of the assumptions turn out to be off there was play as this project would pay its own way in year one and explained.

142-197

12/2/03

On motion of Councilmember Perea, seconded by Acting President Castillo, duly carried, RESOLVED, the purchase and installation of a Municipal Service Center (MSC) solar energy system and implementation of related energy efficiency measures provided by PowerLight Corp. Of Berkeley, CA, at a cost of \$4,725,000 hereby approved, including PG&E interconnection and participation in PG&E’s Self-Generation Incentive Program for funding assistance of \$2,062,500 and related project financing arrangements; the General Services Director authorized to negotiate and execute related project documents; and the above entitled Resolution Nos. 2003-375 and 2003-376 hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Perea, Sterling, Boyajian
Noes	:	Dages, Duncan
Absent	:	None

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(3-B) DIRECT STAFF TO REMOVE MAGNOLIA TREES IN FRONT OF 4937 E. TOWNSEND AND 4949 E. HEATON AVENUES AS THEY ARE CAUSING PROBLEMS FOR THE PROPERTY OWNERS - COUNCILMEMBER DATES

Councilmember Dages stated he understood and appreciated the argument on the removal of trees but stressed this was a quality of life issue for the property owners; advised of the problems they have encountered over the years; made a couple of corrections to the staff report relative to one of the addresses and the statement of a lack of a tree on Townsend; and advised he and property owners always look at every other option and means possible before getting to this point but this point had now arrived, and made a motion to remove the trees clarifying the costs for removal would come out of his district’s infrastructure budget, which motion was seconded by Councilmember Duncan. City Manager Hobbs spoke to the City’s tree preservation policy in the code and pointed out it called for the preservation of trees even when they are causing damage, and added the ordinance was very clear and it was his responsibility to protect and preserve trees and he had no choice in this matter.

Speaking to the issue were: John Valentine, Tree Fresno, who spoke to the amount of ozone removed from the atmosphere by trees and in support of the ordinance; and Barbara Hunt, 2475 S. Walnut, who spoke in support of the motion and to the need to change the code to allow tree removal.

Lengthy discussion ensued. Councilmember Perea stated this was a serious problem especially in the older parts of the city, advised he would support the motion because he also receives a lot of complaints and requests for tree removals, stated the he felt the issue was much bigger and there was a need to change the city’s policy and the types of trees that are allowed, and acknowledged the city manager’s hands were tied in this issue and offered to take the lead to enact some changes. Councilmember Sterling spoke to the plants/trees in the median islands on Fresno Street near Freeway 99 looking like a desert and the complaints that she has received and questioned what could be done, with Parks Manager McHatten responding. Acting President Castillo recommended, if the code was going to be changed, that a requirement be included to replace trees that are removed, spoke to the need to look into a ground level percolation method to keep tree roots from going into yards and breaking up sidewalks, and relative to removing trees stated there should be a minimum amount set for removal at any given time to make it more cost effective. Councilmember Duncan spoke to his support of the motion and to the need to balance the situation due to the millions of dollars of damages caused by trees that currently exist and can not be repaired due to lack of resources, and added he would work with Councilmember Perea on the issue.

City Attorney Montoy noted there appeared to be a strong sentiment to revisit the current policy and create some balance and flexibility and advised her office would assist staff in doing that, however, clarified under the current ordinance Council did not have the

authority to pass the motion on the floor due to the code expressly stating the director had exclusive control on tree removal. Upon question of Councilmember Calhoun, Ms. Montoy stated Council could only make a motion to direct staff to return with amendments to the ordinance. Councilmember Dages made a motion direct staff return with a revised ordinance to allow the removal and replacement of trees and clarified replacement was very important to him, he did not want to leave the impression that he just wanted to cut down trees, and added replacement of trees has always been his agreement with property owners. Acting President Castillo requested staff also consider including language relative to saving huge, mature trees and looking at different alternatives such as going around problems roots and explained. President Boyajian stated he agreed with Mr. Valentino but he also understood some criteria needed to be in place for problem trees and explained.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, staff directed to return with a revised ordinance to allow the removal and replacement of trees, by the following vote:

Ayes : Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : Calhoun
Absent : None

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142-198

12/2/03

RECESS - 4:08 P.M. - 4:21 P.M.

(4-A) SCHEDULED PUBLIC COMMENT - APPEARANCE BY WILLIAM MILTON TO DISCUSS THE RESPONSE TIMES TO REACH A FIRE AND TWO ALARMS AT VARIOUS RESIDENCES IN DISTRICT 1

Appearance made with Mr. Milton also speaking to the need for increased staffing stating seconds could make a difference between life and death (**8 - 0**). Fire Chief Brughman stated it was known staffing and resources were not what they should be and spoke to and explained the incidents and response times. There was no further discussion.

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(3-D) DIRECT STAFF TO ESTABLISH A CITY COUNCIL YOUTH ADVISORY BOARD - COUNCILMEMBER PEREA

Councilmember Perea advised he scheduled this issue to see if there was any interest in moving it forward and made a motion to direct staff to return with options/models to create a youth advisory board., which motion was seconded by Councilmember Sterling.

Barbara Hunt, 2475 S. Walnut, spoke in support of the issue.

Upon question of Councilmember Calhoun, Councilmember Perea clarified he wanted staff to report back with different models to create a youth advisory board and approval of the motion would not establish anything this date. Councilmember Calhoun encouraged staff to consider the role of the Human Relations Commission (HRC) and utilizing them noting he did not see a mission for the HRC, stated there was no reason why the HRC could not look at the role and deal with the youth in our community, clarified he has been critical of the HRC in the past because he has not seen a mission for them and stated Council appeared to not want to tell them what to do or cut their funding and explained, and added he did not even know if a youth advisory board was absolutely necessary. City Manager Hobbs stated if approved staff would conduct the study and involve the Education Office and the P & R department and lay out a whole range of options, and added he was familiar with the Farmington Hills model because he was the city manager there when that youth commission was created. President Boyajian stated a youth advisory board would be good citing the input of youth in the skate park.

On motion of Councilmember Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, staff directed to return with options/models to create a City Council Youth Advisory Board, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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(2:00 P.M. #3) WORKSHOP REGARDING LOCAL, STATE AND FEDERAL HOUSING REQUIREMENTS

City Attorney Montoy introduced the item, advised her office and the planning and development department had been wanting to

have this workshop for some time because of all the state and federal laws that impact city decision-making concerning housing and especially affordable housing, and noted failure to comply with any of the requirements could expose the City to great liability and expose staff members and Council as elected officials to personal liability.

Assistant City Attorney Avila gave an overview of the issue and spoke to the intent of the workshop, and began his presentation on Fair Housing Laws, whereupon proceedings were briefly interrupted.

Noting the presentation was going to be lengthy and some council members and the public might have to leave, Councilmember Calhoun suggested, and made a motion, to hear "Public Comment/Unscheduled Communication" at this time. Upon call, the motion died for lack of a second.

Mr. Avila, along with Planner Sigala, continued with and concluded the presentation on housing laws/requirements and the Housing Element, Consolidated Plan and Action Plan.

142-199

12/2/03

Discussion ensued with Councilmembers Dages and Calhoun and President Boyajian speaking to various issues and/or presenting questions and concerns relative to anti-NIMBY (not in my back yard) laws, number of people allowed to live in one home, planned housing/apartments in southeast and northwest Fresno, concerns with the concentration of apartment complexes in certain areas and with the number of complexes approved for construction, lack of quality and amenities in apartments in southeast Fresno, need to balance the implementation of the general plan, need to get a handle on the number of apartment complexes in the Bullard Loop area and stop the lopsided build out currently occurring, need for staff to explore a policy of spreading out apartment complexes across the city, need to look at land use and not prejudice, and need to look at cumulative impacts and conduct environmental impact reports on projects **(10 - 0)**, with Mr. Avila, Planning and Development Director Yovino and Ms. Montoy responding throughout. No action was required and there was no further discussion.

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PUBLIC COMMENT PERIOD - UNSCHEDULED COMMUNICATION

APPEARANCE BY BARBARA HUNT REGARDING SOUTHWEST AND SOUTHEAST JURISDICTIONS/BOUNDARIES, AND NEED FOR LOW AND MODERATE INCOME HOUSING

Appearance made.

(3-C) DISCUSSION AND ACTION REGARDING A PLAN BY PG&E TO IMPLEMENT A 33% RATE INCREASE ON GAS - COUNCILMEMBERS CALHOUN AND DAGES

1. RESOLUTION - PROCLAIMING CONCERN ABOUT THE DETRIMENTAL IMPACTS TO THE CITIZENS OF FRESNO THAT COULD RESULT FROM A SEVERE INCREASE IN RESIDENTIAL GAS PRICES IF CHARGED AND IMPLEMENTED BY PG&E

Councilmember Calhoun stated he was very disappointed with Council's action tabling the issue for a second time and this time for six months which was effectively a permanent table of an issue he felt was very important to Fresno citizens, stated he was mystified as to why Council chose not to discuss and vote on the item, and pointed out Councilmember Perea asked for additional information at the last meeting and advised he and Councilmember Dages spent time on that request and read a statement into the record relative to what information was requested, what actions he and Councilmember Dages took to obtain information, what information was gathered and provided to Council, and his concern and position on the proposed increase.

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ADJOURNMENT

There being no further business to bring before the City Council, the hour of 6:09 p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned.

APPROVED on the ____9th____ day of ____December____, 2003.

_____/s/_____
Tom Boyajian, Council President

ATTEST:_____/s/_____
Yolanda Salazar, Assistant City Clerk